IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Contempt Petition No. 257 of 2004

Smt. Hansa Joshi ……. Petitioner

Versus

M. Ram Chandran,
Secretary (Basic) Education
Uttaranchal Shashan, Dehradun
and others. ……. Respondents

Mr. Prabhakar Joshi, learned counsel for the petitioner.
None for the respondents.

Hon'ble P.C. Pant, J.

Heard learned counsel for the applicant/ petitioner.

2) By means of this contempt petition the disobedience of the order dated 25.03.2004 passed in writ petition No. 279 (S/S) of 2004 has been complained. The impugned order dated 25.03.2004 (Annexure- 1 to the petition), non-compliance of which is alleged, reads as under:

> "*Heard Sri Prabhakar Joshi, learned counsel for the petitioner.*
>
> *Sri Nand Prashad learned standing counsel prays for and is granted six weeks time of file counter affidavit. Put up thereafter.*
>
> *Meanwhile the respondents either to pay or to show cause as to why the salary had not been paid to the petitioner."*

Sd/-
Irshad Hussain, J.

3) The said order itself shows that the direction was given to the opposite parties either of pay the salary or to show cause by filing the counter affidavit. In the affidavit filed with this contempt petition, the petitioner herself has admitted in the main petition that the counter affidavit has been filed by respondent No. 1 to 5, though belated.

4) In the circumstances, it cannot be said to be willful disobedience amounting to contempt. The civil contempt petition is dismissed and notices are discharged accordingly.

(P.C. Pant, J.)

Dt.: 1st October, 2004
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